

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**MICHAEL HARRIS**

**PLAINTIFF**

**V.**

**CAUSE NO. 4:18-CV-00248-DMB-JMV**

**THE KROGER CO.**

**DEFENDANT**

**ORDER LIFTING STAY AND FOR SHOW OF CAUSE**

By Order [30] dated August 30, 2019, the undersigned conditionally granted Attorney Brandon S. Leslie's motion [27] to withdraw as counsel for Plaintiff. Counsel's motion was granted on the condition that within three (3) business days he would file a certificate of service evidencing service of that Order upon Plaintiff at Plaintiff's last known mailing address. On September 4, 2019, counsel filed a notice [31] evidencing service of the Order on Plaintiff. Accordingly, by operation of the August 30 Order, Mr. Leslie was terminated as counsel of record for Plaintiff.

The August 30 Order stayed these proceedings until September 30, 2019, and required that before the expiration of that date, either new counsel for Plaintiff was to file a notice of entry of appearance or Plaintiff was to notify the Court in writing of his intent to proceed *pro se*. That Order also extended the deadline for Plaintiff's response to Defendant's Motion for Summary Judgment [28] to October 14, 2019. Lastly, the August 30 Order warned Plaintiff that failure to comply with that Order or keep the Court informed of a current mailing address could result in dismissal of this case for failure to obey an order of the Court and/or failure to prosecute.

The deadline in the August 30 Order has now expired, and the docket reveals that

no attorney has entered an appearance in this matter on behalf of Plaintiff. Nor has Plaintiff notified the Court in writing of any intent to proceed pro se or to request additional time to comply with the August 30 Order. Accordingly,

IT IS ORDERED:

1. That the STAY is hereby LIFTED.
2. That on or before October 16, 2019, Plaintiff shall show cause in writing why his case should not be dismissed for failure to obey an order of the Court and for failure to prosecute his case. Plaintiff is reminded that his response to Defendant's summary judgment motion is due by October 14, 2019.
3. That Plaintiff is warned that failure to comply with this order or keep the Court informed of a current mailing address may result in dismissal of this case for failure to obey an order of the Court and/or failure to prosecute.
4. That a copy of this Order shall be served on Plaintiff at 519 Leflore Ave., Clarksdale, MS 38614.

THIS, the 2<sup>nd</sup> day of October, 2019.

/s/ Jane M. Virden  
UNITED STATES MAGISTRATE JUDGE